

## REMARKS

This response is due on August 17, 2004 and is timely filed. Applicants respectfully request that the claims be reconsidered for allowance in view of the attached remarks.

### **I. Status of the Claims and Amendments Pursuant to Discussions with Examiner Winkler**

Claims 1, 2, 4, 25, 26, 28-32, 39-42, 44-62 were pending in the instant application at the time of the May 17, 2004 Office action. Claims 28-32, 45-50 and 52-62 were withdrawn subject to a restriction requirement, the remaining claims were rejected under 35 U.S.C. §112, first paragraph for allegedly lacking enablement and/or written description.

Applicants' undersigned representative has discussed the claims with the Examiner on August 5, 2004, August 6, 2004 and August 9, 2004. Pursuant to those telephone conferences Applicants believe that the claims that were previously withdrawn and presented above (*i.e.*, claims 45-50 and 52-62) will be rejoined. During the discussion of the rejoinder on August 9, 2004, the Examiner objected to the use of FLT3 in claim 57 as an improper use of an abbreviation in the claims. Those of skill in the art would understand that FLT3 refers to FMS-like tyrosine kinase 3, as such, the term "FLT3" in claim 57 has been amended to recite "FMS-like tyrosine kinase 3 (FLT-3)". Attached hereto is a page from the NCBI webpage, which shows that the skilled artisan recognizes the term "FLT-3" to mean FMS-like tyrosine kinase 3.

Support for new claims 63-71 may be found throughout the specification and in the original claims. Support for new claims 72-73 may be found throughout the specification, see for example, section entitled "Construction of PAV Vector" page 12-14.

Applicants understand from the conferences with the Examiner that the claims as presented herein above overcome all outstanding rejections and are therefore in condition for allowance. Applicants representative further discussed the claims with Examiner Winkler

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on August 10, 2004 and understand that the claims as presented above will be entered into the record. Applicants request an early indication of such a favorable disposition of the case. The Examiner is invited to contact the undersigned with any questions, comments or suggestions relating to the referenced patent application.

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Respectfully submitted,

By 

Nabeela R. McMillian

Registration No.: 43,363

MARSHALL, GERSTEIN & BORUN

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorneys for Applicants